

Local Procedure Title	Necessary Searches
Site	Coxlease School
ACS Policy number and title	ECS 07 Necessary Searches
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Local Procedure Author(s)	AM
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1. Introduction
This policy is intended to explain the schools' powers of screening and searching pupils so that school staff have the confidence to use them. In particular, it explains the use of the power to search pupils without consent. It also explains the powers Coxlease School has to seize and then confiscate items found during a search. It includes statutory guidance which we must have regard to.
2. Aims
The policy aims to ensure that: <ul style="list-style-type: none"> • Children and young people are safeguarded from the risk of exposure to prohibited items in their living and learning environment's • Searches where deemed necessary are carried out according to appropriate guidance.
3. Scope and Definition
Occasionally it may be necessary to screen and search children and young people for prohibited items with or without their consent and to confiscate prohibited items. Site must clearly state in local guidance which items are prohibited, and must ensure that this information is available to children in a format to which they understand.
<i>Search with Consent...</i> <ul style="list-style-type: none"> • School staff can search a pupil for any item if the pupil agrees. The school will take into account the age of the child when considering consent. • It is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree. They do not need written consent from the child. • The school makes clear in their school behaviour policy and in communications to parents and pupils what items are banned. • If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy. • A pupil refusing to co-operate with such a search raises similar issues as where a pupil refuses to engage in appropriate behaviours when instructed by a member of staff – in such circumstances, schools can apply an appropriate sanction/consequences.
<i>Search Without Consent...</i> <p>The Head and staff authorised by the Head have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.</p> <ul style="list-style-type: none"> • knives or weapons • alcohol

- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images

any article that the member of staff reasonably suspects has been, or is likely to be, used:

- to commit an offence, or
- to cause personal injury to, or damage to the property of, any person (including the pupil).

Headteachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

4. Confiscation

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

When deciding what to do with the confiscated items, staff will follow the guidelines set out in Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies DfE 2018

5. Electronic Devices

Where the person conducting the search finds an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electronic device:

- In determining a ‘good reason’ to examine or erase the data or files the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or to go against the expectation in the school’s Behaviour Policy.
- If inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

6. Recording and Follow-up

There is no legal requirement for the school to keep records of searches or confiscation. However as part of our normal procedures any such event will be recorded on the child’s action plan.

This information will be logged and have an incident form detailing the event.

Parents/ carers will be contacted and have details of the event.

Contents Checklist (Local Sites may add additional items – this is a core list)

Children’s Services: Local Procedure Template

Local Procedure Review History:

Date Reviewed	Reviewer	Summary of revisions
10/01/2024	Lisle Smith	reviewed